
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

<p>MICHAEL JAMES SCHWAB</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>MICHELE RANDALL, et al.</p> <p style="text-align: center;">Defendants.</p>	<p>ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING ACTION</p> <p>Case No. 4:24-cv-00076</p> <p>District Judge Ann Marie McIff Allen</p> <p>Magistrate Judge Paul Kohler</p>
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On September 26, 2024, Magistrate Judge Paul Kohler issued an order directing Plaintiff Michael James Schwab to correct certain deficiencies in his complaint by filing an amended complaint no later than October 28, 2024.¹ On November 5, 2024, Judge Kohler, seeing no response to the previous order, issued a Report and Recommendation concluding that this action should be dismissed for failure to state a claim upon which relief can be granted.² That Report and Recommendation is now before the Court.

The Report and Recommendation notified Plaintiff of his right to object within 14 days of service and stated that failure to object may constitute a waiver of objections upon subsequent review.³ No objections have been filed.⁴ Because Plaintiff has not objected to the Report and

¹ ECF No. 7 at 7

² *See* ECF No. 10 at 1.

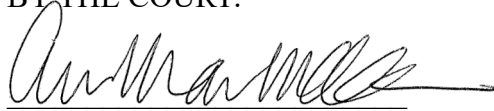
³ *Id.* at 4.

⁴ The Court notes that the Report and Recommendation was returned as undeliverable when it was mailed to Plaintiff. *See* ECF No. 11 at 1. Even so, the Court has no reason to believe that Plaintiff did not receive the Report and Recommendation because it was also emailed to Plaintiff at the email address he provided when he filed his complaint and consented to receive electronic notifications of case activity. *Cf. McZeal v. Ocwen Loan Servicing*, 679 F. App'x 674, 678 (10th Cir. 2017) (unpublished) (declining to excuse appellants' failure to object to a magistrate judge's report and recommendation, in part, because their claim that they never received the report and

Recommendation, and because the analysis and conclusions therein are sound, the Court hereby ADOPTS the Report and Recommendation (ECF No. 10) and DISMISSES Plaintiff's complaint and this action.

DATED this 10th day of January 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Ann Marie McLiff Allen', written over a horizontal line.

Ann Marie McLiff Allen
United States District Judge

recommendation “lack[ed] plausibility,” as “the record show[ed] it was mailed to them at the addresses listed in their complaint”); *see* ECF No. 1 at 2; ECF No. 4 at 1–2; ECF No. 11 at 2.